

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1415

In the Matter of)

PUBLIC UTILITY COMMISSION OF)
OREGON Staff Investigation into Cost)
Methods for Use in Developing Electric)
Rate Spreads)

REPLY COMMENTS
OF BOB JENKS
ON BEHALF OF THE
CITIZENS' UTILITY BOARD OF OREGON

October 20, 2011



**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

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I. Introduction

CUB will be submitting two sets of reply comments. The first set contains the comments of Bob Jenks, Executive Director of CUB. In those comments I will address some of the issues raised in the Commission's September 30 memorandum, including issues related to the factors that should be examined and how seasonal rates fit into this docket. The second set contains the comments of Barbara Alexander, on behalf of CUB, and will address why the factors and directives set forth in the Commission memorandum are unlikely to provide the Commission with sufficient guidance to develop rate spreads.

II. Clarifications

The Commission's memorandum began with some clarifications. Unfortunately, CUB is confused by some of the clarifications provided.

A. The Commission Will Not Impose Mandatory Time-Varying Rates

According to the memorandum:

First, the Commission will not impose mandatory time-varying rates. Neither the proposed factors nor directives are intended to force a utility or any other party to seek approval of any mandatory time-varying rates.¹

This statement is reassuring to CUB, to some degree, because the original straw proposal made it sound like a utility could be required to include mandatory time-varying rates in a five year action plan resulting from an IRP. But this clarification, while stating that the Commission will not impose mandatory time-varying rates, at the same time states that the Commission will continue to work on factors to evaluate mandatory time-varying rates should they be proposed “by a party in a general rate case or tariff filing.”² CUB takes from this that the Commission will not come up with its own plan for time-varying rates but might, nonetheless, adopt a plan for mandatory time-varying rates if it was proposed by a utility or by Staff. Thus it appears that the Commission may still be contemplating the imposition of time-varying rates upon customers. For example, if the Commission approves a Staff proposal for mandatory time-varying rates that is not supported by the utility, then the Commission will still be imposing mandatory time-varying rate on the utility and its customers.³

III. Factors

Ms. Alexander will address CUB’s concerns that the laundry list of factors does not by itself meet the Commission’s goal of providing an analytical framework to

¹ UM 1415 Memorandum, September 30, 2011, page 1.

² *Ibid.*

³ In UE 197, Staff proposed mandatory time-varying rates for residential customers even though PGE was opposed to them.

evaluate mandatory time-varying rates. Here I will address some of the factors that have been proposed and some factors which need to be added.

A. Staff's Equity/Fairness Factor

Staff uses Bonbright's principles of utility regulation to propose that mandatory time-varying rates should be considered based on fairness, even where they create no benefits in terms of demand response:

Even if it were shown that adoption of seasonal rates would not change consumer usage (in other words, consumers have a price elasticity of demand equal to zero), Staff would still support adoption of seasonal rates based on equity considerations—assuming there were significant differences in the seasonal cost of providing electricity, and the other Bonbright principles were met overall. Accordingly, Staff recommends that any mandatory time-varying rate proposal not be excluded from consideration based on the lack of prior introduction in an IRP.⁴

CUB's view of equity and fairness is quite different.

i. Staff's Equity Concern Is Built on Assumptions That Are Not Factually Supported

Staff has made clear it wants to implement seasonal rates. In UE 213, Staff's

Opening Testimony stated the purpose of seasonal rates:

Because of the relatively low historic price of Idaho Power's electricity and its commensurately small portion of many households' budgets, it is true many electric customers seem to ignore the rates charged for that service. But that inattention is far from universal. As budgets tighten, households look for ways to cut their utility bills—by substituting more efficient appliances (including light bulbs), by making energy-efficiency-promoting capital investments in their domiciles, etc. That kind of economizing behavior needs to continue to be recognized and rewarded—in particular by not having electricity rates that are too low for the high-cost season.⁵

CUB's response in UE 213 was to point out that Idaho Power operates in a relatively poor part of the state; that the percentage of median income that goes to electricity is

⁴ UM 1415, Staff Comments, page 3.

⁵ UE 213/Staff/100/Compton/11.

greater for Idaho Power customers than it is for other customers in the state; and that many folks could not afford to invest in new appliances and capital investments in their domiciles.

In this docket, however, Staff is saying that the purpose of seasonal rates is not reducing energy consumption, but instead is about fairness and equity:

To reiterate, time-varying rates based on time-varying costs promote social equity by mitigating the extent to which customers having relatively high use of electricity during lower-cost periods subsidize the usage of customers having relatively high use in the higher-cost period.⁶

This statement then ends with a footnote that explains how the social equity argument, rather than the conservation argument, was what was behind Staff's prior proposal in UE

213. The footnote states:

Staff was mindful of this principle when advocating summer-seasonal rates for Idaho Power's Oregon residential customers in Docket UE 213. Staff assumes a high correlation of natural-gas-heating central air-conditioned customers with higher income customers and of swamp-cooling, electric-resistance-heating customers with lower income customers.⁷

The problem with Staff's assumption then, and Staff's assumption now, is that the facts in Docket UE 213 did not support it then, and they do not support it now.

- Idaho Power's service territory in Eastern Oregon is rural. Malheur County, the majority of Idaho Power's territory, has 3.2 people per square mile, compared to 39.9 for the state.⁸
- Natural gas service is very limited in Idaho Power's service territory.⁹

⁶ *Ibid*, page 3.

⁷ *Ibid*, page 3.

⁸ <http://quickfacts.census.gov/qfd/states/41/41045.html>

⁹ <http://www.cngc.com/company/service/serVICemap.asp>

- Malheur County is poor, with a per capita income of \$16,552 (64% of the state average); nearly ¼ of its people are below the poverty line; and its home values are about half the value for homes state wide.¹⁰
- Many residents of Malheur County live in manufactured housing.¹¹ According to Consumers Union, “[A]lmost all mobile homes have forced-air heating and air conditioning.”¹²
- Idaho Power’s residential customers in Eastern Oregon use more electricity than customers of PGE or PacifiCorp. The average household usage over the last three years is 14,926 kWh for Idaho Power, 12,039 kWh for PacifiCorp, and 10,841 kWh for PGE.¹³ This is not surprising, since Idaho Power’s service territory is colder in the winter, hotter in the summer, and has little natural gas penetration.

Staff’s equity concern that high-income households with natural gas and central air conditioning are being subsidized by low-income households with swamp coolers simply doesn’t fit. The district is rural, and few homes have natural gas service. It is also poor, with many low-income households living in manufactured housing with air conditioning.

ii. What Is the Cost Causality and Who Is Subsidizing Whom

Rather than relying on assumptions and obsessing about air conditioning, a quick review of Idaho Power’s IRP shows that it is not Oregon residential customers who are driving costs and collecting subsidies from other customers. Since 1990 Idaho Power’s retail customers have grown by 68%, from 292,000 to 492,000.¹⁴ Each new residential customer requires a \$5,800 capital investment in energy and capacity.¹⁵ But the number

¹⁰ <http://quickfacts.census.gov/qfd/states/41/41045.html>

¹¹ <http://www.mhvillage.com/Communities/MobileHomeParks.php?State=OR&County=Malheur>

¹² <http://www.consumersunion.org/other/mh/brochure.htm>

¹³ <http://www.puc.state.or.us/PUC/statbook2010.pdf>

¹⁴ LC 53, Idaho Power 2011 IRP, page 23.

¹⁵ *Ibid*, page 25.

of Oregon residential customers has only grown by 16.8%¹⁶ during this period, while the Company's total number of customers has increased by 68%.

While there are clearly subsidies in any system that shares common costs, the subsidy that stands out in the IRP is the subsidy associated with load growth. Because Idaho Power's Idaho service territory is growing so much faster than its Oregon service territory, this means that Oregon is subsidizing Idaho load growth. Of these 200,000 new customers added since 1990, only 1,625 of them live in Oregon.¹⁷ It should be noted that this cost causality and subsidy of load growth is well-documented in the Company's IRP, whereas Staff's assumed subsidy of natural gas heating and central air conditioning for high-income customers by low-income customers who use electric heat is an assumption which does not even stand up to a Google search.

iii. Distribution Subsidy

The other subsidy that is well-documented is the distribution cost of load growth. The marginal cost studies of utilities show that new customers add significant new costs to the system, which are then collected from all customers through volumetric charges. While these costs are not allocated across state lines, it does mean that new customers in Idaho Power service territory are being subsidized by established residents. This also proves true for PGE and PacifiCorp customers.

iv. Fairness and Equity

Bonbright's principle, as referenced by Staff, focuses on fairness, not on time-varying rates.¹⁸ Consider my next door neighbor. Her house has been in her family for

¹⁶ Oregon Utility Statistics, 2010 and 1990.

¹⁷ Oregon Utility Statistics, OPUC, 2010 and 1990.

¹⁸ Another of Bonbright's principles is that rates should "provide bill stability for customers," which would run counter to increasing summer bills

two generations. She grew up and raised her family in the same home. She has been contributing rate base to PGE's Pelton-Round Butte hydro project from the beginning, as well as the repowering of Beaver (PGE's primary peaker unit) since day one of that repowering. She also owns one of those air conditioners that Staff hates so much. It is a window air conditioner, it is right by our driveway, and she has been using it whenever the weather is hot for at least the last 15 years. Her home is not very efficient, and she uses oil heat in the winter. Compare my neighbor's house to the house in the next block that just added an extension that increased the size of the house by at least 50%. Or to the three new houses that are going up across the street from my daughter's school.

In Staff's view, my neighbor's air conditioner is clearly a problem and is being subsidized. But, it can also be argued that the air conditioner has been in place for 15 years or more and that my neighbor has contributed significantly to the fixed costs of PGE's ratebase, including the ratebase that is used in the summer. PGE's IRP, like Idaho Power's IRP, shows that it is load growth that is driving costs. If it is load growth that is driving costs, then Staff should be looking at the house around the block and the two houses being built by my daughter's school—those are the real cost drivers.

v. What Is Wrong with Sharing Costs?

CUB is not arguing that new customers should pay a higher share of the cost they are putting on the system; CUB is only acknowledging that it is the new customers who are being subsidized.

CUB approaches these issues from a principle of basic fairness. The utility system (with rate base regulation) was set up in order to allow large capital costs to be incurred

and spread out over a wide base of usage. If costs were not averaged, Oregon would not have been able to ensure that electric service was universal.¹⁹

Averaging costs is fair. Some customers use the call centers, but they are not charged a fee to do so. Some customers pay by check, some pay by automatic debit, but they are not charged differently because they put different costs on the system. And the energy efficiency work I recently had done on my house will reduce my electric bill, which will reduce my contribution towards distribution costs, customer service costs, and even to the salary of PGE's CEO—even though there is no cost causality relationship. My energy efficiency did not reduce the salary of PGE's CEO; instead, other customers are picking up the system costs that I used to pay.

If a system averages costs of distribution, customer service, energy, and most other costs, CUB cannot share Staff's outrage that the cost of meeting summer peak load is not also averaged. This is particularly the case when Oregon residential customers are winter peaking, the cost and timing of summer usage varies widely with hydro conditions, and the real driver of higher costs is load growth.

B. Factors That Should be Added to the Commission's List

CUB believes that several factors should be added to the Commission's factor list. This is because the factors currently on the list, while appropriate to identifying the potential effects on a utility's system costs, do not include any factors that measure impact on customers.

¹⁹ Or near universal. Note that the Exhibits attached to my Opening Comments show that 27,000 households were disconnected because of nonpayment in the first 6 months of 2011.

i. Affordability

It has become difficult to obtain consideration of affordability when the Commission is deciding Revenue Requirement issues because the Commission has taken the position that utilities are entitled to the recovery of their prudently-incurred costs, even when those costs contribute to rate shock and affordability problems. But it is CUB's position that when considering raising costs to customers through discretionary rate design, the Commission must consider affordability.

As stated in CUB's opening comments, people pay bills, not rates, and the largest bills are the ones that cause customers to fall behind. There are several metrics that can be used as factors to help consider affordability. In each of the cases below, CUB would propose that the data to review each factor be provided for the most recent 3 to 5 year period of time.

- **Arrearages.** Arrearages are the measure of how far customers are behind on their bills. Looking at whether arrearages are growing on an annual basis, and how they change each month, can help provide an indication about affordability. Arrearages that are growing from year to year indicate that customers are generally having trouble keeping up with the rates charged by the utility. Increases that are associated with particular months indicate which bills create the largest affordability problems.
- **Shutoffs.** Shutoffs ultimately grow out of arrearages, but they provide a different metric. When shutoffs are growing (as they currently are across all three electric utilities), it is a sign that care must be taken before raising the cost of monthly bills.

- **Relationship of median household income to electric bills.** How much are the costs at issue rising as compared to incomes? This is a classic way to assess the affordability of rates. The best metric for this, in CUB's opinion, is to look at the percentage of household income which would go to electricity if the house had median income and average usage.
- **Correlation between forecasted peak costs and actual peak costs.** As discussed in CUB's opening comments and at the Commission workshop, hydro conditions have a large effect of summer energy costs in the region. Since costs are set on a forecasted basis and it is difficult to forecast the variability of hydro conditions, there should be an assessment of how often and how close the forecasts are to reality. While the goal may be to set price signals that reflect costs, the evidence might suggest a forecasted rate will only reflect actual costs on a random basis.
- **Load shape of Customer class.** Residential customers are winter peaking for all three electric utilities. As mandatory time-varying pricing is considered the Commission should examine load shapes to determine whether the problem being addressed is significant or not, and whether the proposed solution will have an effect.
- **Customer growth.** Customer growth is a very real driver of higher energy costs and a large part of what is causing rates to increase faster than incomes. The Commission should look at how customer growth is driving the costs of the utility before raising the bills of customers who are paying

significantly higher rates due to this load growth, but are not themselves contributing to the load growth.

IV. The Proper Forum For Considering Time-Varying Rates

When mandatory time-varying rates are being proposed for a purpose other than conservation, an evidence-based, fact finding proceeding such as a rate case is the appropriate forum to review the matter, especially given that much of the reasoning behind time-varying rate proposals seems to be based upon false assumptions rather than upon factual analysis. A contested case proceeding is necessary to ensure that a factual record is established.

If, on the other hand, the time-varying rates goal is designed to reduce peak usage, the IRP is the appropriate place for review, so that the proposal can be compared to other approaches to reducing usage. When conducting a review it is important that all costs, including the costs of education, are included in the analysis, and that the analysis consider the risks and impacts on customers themselves, and not just the impact on power costs.

V. Seasonal Rates

Rates that vary by season are different than rates that vary by the hour. It is easier for a customer to deal with several rate changes over the course of a year than several rate changes over the course of a day.

However, the economic theory behind each of these rate structures is similar: make rates vary to follow costs. With the installation of smart meters that make time-of-use rates possible, CUB is concerned that this economic theory, once accepted as the basis for rate design, will be used to attempt to impose time-of-use rates.

In addition, both seasonal rates and time-of-use rates have the effect of raising bills for customers, and some customers will find it difficult to manage those higher bills. As CUB discussed in Opening Comments, the policy of Oregon for decades has been to try to help customers manage their highest bills and prevent shutoffs. At a time when shutoffs are increasing, and customers cannot manage their current bills, changing the policy to one where the highest bills are purposely made more difficult to manage is not something CUB can support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bob Jenks". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Jenks
October 20, 2011

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COMMISSION OF OREGON Staff)
Investigation into Cost Methods for Use in)
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REPLY COMMENTS OF
THE CITIZENS' UTILITY BOARD
OF OREGON

REPLY COMMENTS
OF BARBARA R. ALEXANDER
ON BEHALF OF THE
CITIZENS' UTILITY BOARD OF OREGON

October 20, 2011



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REPLY COMMENTS OF
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OF OREGON

1 **I. Introduction**

2 My name is Barbara R. Alexander. I filed Opening Comments on behalf of the
3 Citizens' Utility Board of Oregon (CUB) on September 9, 2011. My Reply Comments
4 should be viewed as complementing the comments submitted by Robert Jenks, Executive
5 Director of CUB.

6 **A. The Commission's Resulting List of "Factors" and "Directives" Are Unlikely to**
7 **Provide Sufficient Guidance for Consideration of a Proposed Mandatory**
8 **Change in Rate Design**

9 The Commission's Order initiating this proceeding on July 8, 2011, contained a
10 Straw Proposal that focused on seeking comments to determine the "factors" and
11 "directives" that should be addressed in consideration of mandatory time-varying rates
12 for any customer class. The apparent focus on mandatory time-varying rates resulted in
13 close to uniform opposition to the imposition of mandatory time-varying rates in

1 comments and at the Workshop held on September 27, 2011. The only parties that spoke
2 about the need to consider mandatory time-varying rates for residential customers were
3 the Commission Staff and Idaho Power, a utility that serves only 14,000 customers in
4 Oregon and that has persistently sought to implement seasonal rates for residential
5 customers, primarily on the grounds that it should mimic its rate design in Idaho. Other
6 utilities and all consumer advocates resisted the notion that residential customers should
7 be exposed to mandatory time-varying rates.

8 In its Memorandum issued on September 30, 2011, (after the workshop that was
9 held on September 27, 2011) the Commission issued a Memorandum that sought to
10 clarify a few elements of the Straw Proposal. This Memorandum stated that, “First, the
11 commission will not impose mandatory time-varying rates.” Further, “Neither the
12 proposed factors nor directives are intended to force a utility or any other party to seek
13 approval of any mandatory time-varying rate.” This guidance is helpful. However, the
14 Memorandum continues to seek comments on the proper “factors” and “directives” that
15 should be used as a framework for the evaluation of a mandatory time-varying rate
16 should such an approach be proposed in light of this clarification.

17 While it may certainly be possible to identify the “factors” and “directives” that
18 should govern an analysis of a proposed time-varying rate, it is more likely that the
19 resulting list of “factors” and “directives” will encompass such a broad range of possible
20 outcomes as to contribute little to the resulting debate and resolution. For example, the
21 proposed “factors,” assuming those proposed to be added to this list by CUB and other
22 parties are adopted, are reasonable and reflect the broad range of factual evidence and
23 potential implications of any proposed time-varying rate design that could and should be

1 considered. However, those “factors” will not predict the outcome of any proposal and
2 will most likely provide a laundry list of potential issues that stakeholders will seek to
3 address based on their own access to the underlying data and understanding of customer
4 preferences.

5 As stated by the Commission in its Memorandum issued on September 30, 2011, the
6 “directives” are “...intended to create a process by which the Commission is assured that
7 electric utilities, with input from Staff and stakeholders, are systemically evaluating
8 promising time-varying rate designs or programs, and the costs of and benefits of those
9 rates and programs.” The Commission has correctly clarified that such an analysis does
10 not necessarily need to occur as part of the Integrated Resource Planning (IRP) process
11 and that the analysis need not be limited to mandatory rates. The Commission states with
12 regard to the “directives” to the proper venue for considering a systematic look at time-
13 varying rates that a forum other than the IRP process should describe “...an alternative
14 venue and process for achieving the Commission’s stated goals.”¹ However, such a
15 statement does not provide sufficient guidance without a clear understanding of the
16 “Commission’s stated goals.”

17 **B. The Commission Should Change the Focus of This Investigation from**
18 **Mandatory Time-Varying Rates to an Overall Directive to Evaluate Any Rate**
19 **Design Proposal**

20 Given these clarifications, I recommend that the Commission expand the scope of
21 its resulting Order to focus not on mandatory time-varying rates, but on the “factors” and

¹ Memorandum at 2.

1 “directives” that should be applicable to ANY proposed change in rate design, whether
2 mandatory or optional. Furthermore, the Commission’s approach should reflect the
3 underlying purpose associated with the specific time-varying rate or program.

4 Based on the written comments and the discussion at the Workshop, there appear to
5 be two potential overarching purposes that will govern proposed changes in rate design or
6 the proposal for a specific rate program, whether mandatory or optional.

- 7 • First, led by the Staff, there is a notion that rate design should reflect more
8 accurate price signals, whether seasonal or hourly/time of use. Under this
9 approach, the key questions do not particularly relate to the resulting impact
10 of the proposed rate design, i.e., whether the proposed rate design will assist
11 in meeting the Commission and State’s efficiency and demand response
12 objectives. Rather, under this approach, the intent appears to align rate
13 structure with the cost of service to “send the proper price signal.” With the
14 advent of Advanced Metering Infrastructure and the availability of hourly
15 usage information and the use of two-way communication with the
16 customer’s meter, it is possible to develop time-varying rate structures that
17 more accurately reflect the cost of generation supply and the particular
18 customer class load profile. This type of analysis does not lend itself to an
19 IRP analysis and is more properly addressed and resolved in the context of a
20 base rate case in which the specific utility’s cost of service and generation
21 supply portfolio can be evaluated in the context of a specific time-varying
22 rate proposal. This is true for both seasonal rates as well as time-of-use rate
23 options. This type of analysis should be focused on evidence concerning the
24 utility’s cost of service, the generation supply portfolio,² and the bill impacts
25 associated with the proposal, as well as the “costs” associated with
26 implementation of any significant change in rate design for the customer
27 class in question. By “costs” I refer not only to the costs of implementing a
28 rate change in terms of billing systems,³ but the costs associated with

² As discussed by Mr. Jenks in his Reply Comments, an emphasis on price signals as the motivation for a proposed rate design can only be linked to generation supply prices, since the distribution or delivery charges are typically not a reflection of changes in costs that reflect either seasons or time of day. The Commission should be careful about the design of rates to send a theoretically more accurate price signal when only a portion of the customer’s overall bill can be relied upon to justify such an approach.

³ The Commission should note that the deployment of AMI for several Oregon utilities does not mean that changes in rate design, whether optional or mandatory, are without additional costs in meter data management, billing systems, educational programs, handling customer complaints, and implications for payment programs, particularly for lower income customers.

1 educating customers about the change in rate structure, as well as the
2 implications of the rate change on customer payment actions, and the impact
3 of the rate change on the policies that have been enacted to reduce price
4 volatility and encourage levelized bill payment programs.
5

- 6 • Second, rate design changes are also often proposed to change customer
7 behavior and contribute to overall consumption reduction (efficiency) or
8 reduction in usage during certain expensive hours (demand response).
9 When the purpose of rate design is linked to a utility's efficiency and/or
10 demand response programs, it is entirely appropriate to evaluate such
11 proposals in the context of an IRP. I recommend, and CUB supports the
12 Commission in, adopting a requirement that utilities evaluate a wide range of
13 cost effective efficiency and demand response programs, including rate
14 design and direct load control programs, in IRP analyses. As indicated in my
15 prior Comments, there has been a lack of sufficient attention to the use of
16 direct load control and peak time rebate programs to date in Oregon and an
17 overemphasis on pricing programs, particularly critical peak pricing
18 programs, in testing customer response to the rate options and programs that
19 that are typically linked to the increased functionalities of AMI deployment.
20 The Commission's order in this Investigation would do a significant service
21 to Oregon's residential customers in particular if it emphasized the need to
22 evaluate a wider range of potentially cost effective programs than those
23 explored or discussed to date.

24
25 Respectfully submitted,

26 

27 Barbara R. Alexander
28 October 20, 2011

UM 1415 – CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of October, 2011, I served the foregoing **REPLY COMMENTS OF THE CITIZENS' UTILITY BOARD OF OREGON** in docket UM 1415 upon each party listed in the UM 1415 PUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending one original and five copies by U.S. mail, postage prepaid, to the Commission's Salem offices.

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